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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,531	06/13/2001	Paul E. Modiano	10602-1U1	5022
570	7590	08/24/2004	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P.			TODD, GREGORY G	
ONE COMMERCE SQUARE			ART UNIT	
2005 MARKET STREET, SUITE 2200			PAPER NUMBER	
PHILADELPHIA, PA 19103-7013			2157	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/880,531

**Applicant(s)**

MODIANO, PAUL E.

**Examiner**

Gregory G Todd

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a first office action in response to application filed, with the above serial number, on 13 June 2001 in which claims 1-24 are presented for examination. Claims 1-24 are therefore pending in the application and are given priority to provisional application 60/213,222 filed 14 June 2000.

### ***Drawings***

2. The informal drawings are not of sufficient quality to permit examination (illegible portions). Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of, system and article of manufacture for [importing one or more web pages of a web site to a staging server; formatting templates for the web pages, the templates including one or more

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fields; assigning one or more content tags to each of the fields; assigning one or more data types to each of the fields; designating one or more users for each of the fields; receiving input from the users; populating the templates with the received input; and exporting the populated templates to one or more web servers; presenting the users with the populated templates; populating the templates includes cycling through each of the web pages and replacing one or more of the fields with the received input; the content tags correspond to questions posed to the users; the web pages, the received input and the populated templates are transmitted over a public network; prompting an end user to provide content for the web site; providing the user with a preview of the populated templates] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

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the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the content for the disclosure, see below paragraph (f). No new matter is to be entered.

#### **Content of Specification**

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernardo et al (hereinafter "Bernardo", 6,684,369).
5. Bernardo teaches the invention as claimed including template based web site creation and modification (see abstract; Fig. 3).

As per Claim 1, Bernardo teaches a method of maintaining a web site, comprising:

importing one or more web pages of a web site to a staging server (at least col. 9, lines 13-22; col. 7, lines 7-25; col. 6, lines 32-61; web pages / templates of existing pages and sites from tool on server);

formatting templates for the web pages, the templates including one or more fields (at least col. 6, lines 32-61; templates include fields);

assigning one or more content tags to each of the fields (at least col. 6, lines 32-61; different fields, eg. company name, address, etc);

assigning one or more data types to each of the fields (at least col. 6, lines 32-61; col. 9, lines 47-64; eg. fields being required or text / image; drop down menu);

designating one or more users for each of the fields (at least col. 6, lines 32-61; col. 7, lines 7-25; col. 8, lines 1-26; eg. web site creator / authorized user);

receiving input from the users (at least col. 6, lines 23-61; input from clients);

populating the templates with the received input (at least col. 8, lines 1-27; populate template fields with collected data); and

exporting the populated templates to one or more web servers (at least col. 8, lines 1-27; web page constructed and forwarded to server).

As per Claim 2, Bernardo teaches the method of claim 1, wherein the web pages, the received input and the populated templates are transmitted over a public network (at least col. 5, lines 49-61; col. 6, lines 15-31; Internet / network).

As per Claim 3, Bernardo teaches the method of claim 1, wherein the content tags correspond to questions posed to the users (at least col. 6, lines 32-61; col. 7, lines 6-25; different fields, eg. company name, address, etc; new site or edit).

As per Claim 4, Bernardo teaches the method of claim 1, wherein populating the templates includes cycling through each of the web pages and replacing one or more of the fields with the received input (at least col. 8, lines 1-27; populate template fields with collected data from user).

As per Claim 5, Bernardo teaches the method of claim 1, further comprising presenting the users with the populated templates (at least col. 8, lines 1-26; col. 10, lines 5-13; presenting view of pages to user).

As per Claim 6, Bernardo teaches the method of claim 1, further comprising posting the populated templates to the web site (at least col. 8, lines 1-27; web page constructed and forwarded to server for posting).

As per Claim 7, Bernardo teaches a method of updating a web site, comprising: importing one or more web pages of a web site to a staging server (at least col. 9, lines 13-22; col. 7, lines 7-25; col. 6, lines 32-61; web pages / templates of existing pages and sites from tool on server); formatting templates for one or more of the web pages (at least col. 6, lines 32-61; templates include fields);



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prompting an end user to provide content for the web site (at least col. 8, lines 28-37; col. 6, lines 32-61; input from user prompted);

populating the templates with the provided content (at least col. 8, lines 1-27; populate template fields with collected data);

providing the user with a preview of the populated templates (at least col. 10, lines 5-13; preview function);

exporting the populated templates to one or more web servers (at least col. 8, lines 1-27; web page constructed and forwarded to server); and

posting the populated web pages to the web site (at least col. 8, lines 1-27; web page constructed and forwarded to server for posting).

As per Claim 8, Bernardo teaches a method of updating a web site, comprising:

importing a web site to a staging computer system (at least col. 9, lines 13-22; col. 7, lines 7-25; col. 6, lines 32-61; web pages / templates of existing pages and sites from tool on server);

processing the web site to produce one or more templates for each page of the web site (at least col. 6, lines 32-61; templates include fields with tool on server processing information);

receiving input from end users (at least col. 6, lines 23-61; input from clients);

populating the templates with the received input (at least col. 8, lines 1-27; populate template fields with collected data);

exporting the populated templates to one or more web servers (at least col. 8, lines 1-27; web page constructed and forwarded to server); and

posting the populated templates to the web site (at least col. 8, lines 1-27; web page constructed and forwarded to server for posting).

Claims 9-24 do not add or define any additional limitations over claims 1-8 and therefore are rejected for similar reasons.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernardo et al '188, D'Arlach et al, Nazem et al, Fernandez et al, Diener, DuFresne, and UpdateThis are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100



**SALEH NAJJAR**  
**PRIMARY EXAMINER**